**HIGH COURT OF UTTARANCHAL AT NAINITAL**

Criminal Misc. Application No. 947 of 2006

1. Atma Ram son of Molhu
2. Sachin son of sri Rajpal
3. Smt. Babli w/o Sri Rajpal, All residents of Fatehullahpur alias Telpura, P.S. Rampur Tehsil Roorkee, District Hari ....Applicants

Versus

1. State of Uttaranchal
2. Suggan Chandrapal son of Gainda Ram Pal, R/o Bulla Wala (Doiwala) Dehradun .....Opp. Party

Dated: 24.11.06

**Hon'ble Rajesh Tandon, J.**

Heard Sri Anuj Kumar Singh counsel for the applicant and learned A.G.A. for the respondents.

By the present application under section 482 Cr.P.C. the applicants have challenged the criminal proceedings against the applicants in Case No. 2330 of 2006, Suggan Chandrapal vs. Atma Ram and others under section 420, 406, 323, 504 and 506 I.P.C. pending in the Court of Judicial Magistrate, Roorkee.

According to the case of the complainant applicant no.1 and his son Rajpal and the respondent no. 2 entered in to an agreement dated 9.9.2005 to sell the aforesaid land on the sale consideration of Rs.50,40,000/-. It is stated here that at the time of execution of the agreement dated 9.9.2005 the opposite party no. 2 paid a sum of Rs.4,50,000/- and the remaining amount of the sale consideration was to be paid at the time of execution of sale deed.

So far as the instant petitioner under section 482 Cr.P.C. is concerned, it has been filed for quashing the proceedings of Complaint case no. 2330 of 2006, Suggan Chandrapal vs.Atma Ram and others, under section 420, 406, 323, 504, 506 I.P.C. pending in the Court of Judicial Magistrate, Roorkee.

No interference can be made under section 482 Cr.P.C. and both the parties will be at liberty to lead the evidence in view of the observations made by the Apex Court in the case Medchl Chemicals and Pharma (P) Ltd. vs. Biological E. Ltd. and others (2003) 3 SCC 269.

Since the trial has to take place for the offences under aforesaid sections, therefore, without expressing any opinion on the merits of the case, I direct the applicants to appear before the Magistrate concerned within 15 days of passing of this order and the court will permit them to file appearance bonds to the satisfaction of the Magistrate concerned for their regular appearance in the case.

Subject to the observations made above, application under Section 482 Cr.P.C. is disposed of.

**(Rajesh Tandon, J.)**

Dated: 24.11.2006

*Dhyani